BOOK REVIEWS.

FEDERAL EQUITY PROCEDURE—A Treatise on the Procedure in Suits in Equity in the Circuit Courts of the United States, including Appeals and Appellate Procedure. By C. L. Bates, of the Bar of San Antonio, Texas. Chicago: T. H. Flood and Company. 1901. 2 vols. 8vo. pp. lxii, 599; 810.

Notwithstanding some imperfections, which we shall presently mention, this work should find ready welcome at the hands of the legal profession. Lawyers in Virginia and other States, where the distinction between law and equity procedure is still observed, will find it a useful reference book in connection with procedure in both State and Federal courts, since it abounds in the discussion of principles of original equity procedure, as well as of that procedure as modified by Federal Statutes and Rules of Court. In the so-called Code States, where law and equity procedure has to a large extent been amalgamated, and where practitioners presumably have little to do with equity pleading and practice—as we in the other States understand the term—except in the conduct or defense of equity suits in the Federal courts, will find the book practically indispensable. We know of no other work that so well covers this especial field.

In preparing such a work, the author had a difficult task before him. He was evidently confronted, at the outset, with the perplexing question whether he should assume that his readers had already a knowledge of the practice of the High Court of Chancery, and should therefore confine his book to a treatment of the modifications wrought in the original in its adoption by the Federal courts—or whether he should make it a complete treatise on equity practice, with the Federal modifications added. The latter would have been a task that well might have appalled any author—while the other would have produced a mere handbook, of little practical value.

The middle course adopted by the author has produced creditable results. The book is not a complete treatise on equity practice, but presents an excellent summary. It appears to contain a full and, as far as our examination extended, an accurate, treatment of such questions as peculiarly pertain to the Federal practice.

As a specimen of book-making, the work is subject to severe criticism. In the first place, the author indicates lack of self-confidence, and invites want of confidence on the part of his readers, by stating so large a proportion of his propositions in the form of quotations from courts and other text-writers. This gives the work the complexion rather of a compilation than of a treatise; and when a single quotation from an opinion of the Supreme Court of the United States—supposed to be accessible to every village lawyer—and on a point of no practical interest—covers nine solidly printed pages, critics looking for faults will naturally say the book is padded. See pp. 213-222. This idea is strengthened when it is observed that of the 1471 pages in the volumes, there are only 874 of text, the remaining 597 being devoted to the table of cases and the Appendix. This Appendix contains, however, much valuable matter, in the shape of Rules of the various Federal courts, forms, statutes, etc.

The most objectionable feature of the book is its un-readableness, due to bad paragraphing and articulation. This fault is made the more exasperating by the

intermixture of numerous principles in single long sections, covering several pages, in which there is not a break where one may catch his breath—and one needs to catch it frequently when he suddenly finds himself wandering far afield, with no friendly catch-line or even paragraph to warn him that one proposition, or series of kindred propositions, has been completed and another begun. For example, sec. 162 covers three pages, without a paragraph. Sec. 167, under the title of "when a final decree *pro confesso* may be entered," likewise covers three pages, the last one of which discusses the question whether notice of application for a final decree is necessary; but not only is this new subject not made a separate section, with its own section-heading, nor begun with a new paragraph, but it in fact begins in the middle of the line. Illustrations of this are common in both volumes. We select at random, sections 23, 24, 27, 39, 46, 48 as exhibiting the fault, which runs almost in this sequence through the entire work. Sections 201 and 317 are especially striking examples.

Effort at clearness sometimes leads the author into tiresome repetition. See, for example, section 166, each of the first four sentences of which expresses the same proposition in almost the same language. In section 324 one principle is repeated three times in four sentences.

The faults mentioned are rather of form than of substance, and may easily be corrected in future editions. The volumes are fine specimens of the printer's art.